THE COURTS.

Ex-Boss Tweed's Monster Bill of Exceptions Presented.

ARGUMENTS FOR AND AGAINST.

Ex-Comptroller Connolly Wanted as a Witness in a Civil Suit.

BUSINESS IN THE OTHER COURTS.

Convictions and Sentences in the Oyer and Terminer and General Sessions—The Jury Disagree in the Tompkins Square Riot Case—Verdict Against a Fire Insurance Company.

The bill of exceptions in the case of William M. Tweed was brought for settlement yesterday before Judge Davis, holding Special Term of the Supreme Court. Some five hundred exceptions are included in the bill, to which the opposing side have interposed forty-five amendments. It is expected the case on the bill as finally settled will reach the General Term for argument during the March term, and by a month later get to the Court of Appeals for final adjudication.

Yesterday the case of the United States vs. Carr & Blanchard, liquor dealers, in Front street, was tried in the United States Circuit Court before Judge Nathaniel Shipman and a jury. The action was brought to recover a penalty of $300 on each of sixteen empty barrels, which, it was claimed by the government, were in possession of the defendants, had contained spirits and had the stamps and brands uneffaced. It was further alleged that defendants had the barrels intending to use them in the transportation of whiskey. The evidence for the defence went to show that no barrels of whiskey were permitted to go out from the establishment of the defendants without having the stamp and brands thoroughly effaced. The jury found a verdict for the defendants.

Charles Stahl, charged with smuggling 500 cigars into this port, was held by Commissioner Shields yesterday in default of $1,000 bail for examination.

In the case of John J. Ritter, who, on habeas corpus, had been brought before the United States District Court, seeking his discharge from the army on the ground that he was intoxicated at the time of his enlistment and did not know what he was then doing, Judge Blatchford yesterday discharged the writ and ordered the relator to be remitted to the custody of the proper officer.

A suit has been instituted in the United States District Court by the government against Solomon Zickel, of No. 19 Dey street, to recover $50,000 for alleged undervaluation in the importation of goods.

In the interminable case of Joab Lawrence, whom certain parties have been sedulously striving for some time past to extradite to Michigan to answer a charge of alleged conspiracy, his counsel, Mr. Willard Bartlett, obtained yesterday a writ of error and stay of proceedings. This takes the case to the Court of Appeals for argument.

TWEED'S BILL OF EXCEPTIONS.

Another Effort to Effect the Release of the Ex-Boss from Durance Vile—The Big Indictment Rivalled by a Monster Bill of Exceptions—Arguments of Counsel For and Against the Bill, and the Proposed Amendments to It.

During the two months and over that William M. Tweed, the great ex-chieftain of the once powerful Tammany "Ring," has been doing painful penance at the Penitentiary his quintumvirate of counsel have not been idle. As soon as the trial closed with his conviction and sentence they began to prepare a bill of exceptions. This was a work of no inconsiderable magnitude, as may be gathered from the fact that the document when completed made up a list of some 500 exceptions, the whole embracing 1,058 pages of legal foolscap. Of course every resource of legal lore was exhausted and every device of professional strategy resorted to tending to give it impregnability. This was the Gibraltar of their hopes—the last gun to make a breach in the enemy's ramparts through which the prisoner Tweed might escape. The bill as prepared had to be sent to Mr. Peckham, the prosecuting counsel. Here was a long job for him, reading these voluminous pages and submitting each objection to the crucible of the closest legal analysis. He in his turn made forty-five exceptions, and the document, as thus prepared and amended, came up for settlement yesterday before Judge Davis, holding Supreme Court, Special Term.

Judge Davis held court in the Supreme Court, General Term room, the quondam meeting place of the old Board of Supervisors, where the dethroned "Boss" once was supreme master and swayed the sceptre of imperial power. Fallen from greatness, there was none so low as to do him reverence—none, except his well-paid counsel, that seemed to evince the slightest interest in the proceedings or the result. An occasional solitary individual would straggle into the room, but on learning, in response to his inquiries, that it was "only the old Tweed case up again," he as quietly withdrew, with a shrug of the shoulders, as if to say, "There's nothing in it." And really there was very little tangible in it, excepting, of course, the huge piles of manuscript. The whole day was consumed in technical quibbling—a quibbling of adroit ingenuity undoubtedly, but not capable through the most deft cunning of the most facile reportorial pen of being crystallized into a form giving it attractive public interest. Disintegrating this quibbling and dispelling the environment of chaff, the substantial and reliable objections are capable of being very briefly summarized. Evidently the most potent objection raised was to the jurisdiction of the Court; another objection was to the rejection and admission of jurors; another to the constitutionality of the Jury law of 1873 another to the Judge's overruling motions and compelling them to choose whether to proceed for neglect or malfeasance; another to proof tending to an accumulation of offences and in reference to the inconsistency of the accounts; another to the constitutionality of the act creating the Board of Audit; another to restricting them to five peremptory challenges, whereas they claimed this number for each offence specified in the indictment; another to the insufficiency of the proof introduced by the prosecution to show loss of papers, the contents of which had to be proved orally; and finally, the refusal of the Judge to charge as requested.

Some of the objections were settled during the progress of the argument, but decision on the majority was reserved by Judge Davis, pending his further examination of the statutes applicable to each case, as cited by the opposing counsel. Judge Davis promised to give his decision upon all the points undecided at the earliest day possible. It will take some time after this to make up the entire record and get the matter printed, which will make two large volumes. It is now thought, inasmuch as the case, being a criminal one, will have the preference on the calendar, that it can be prepared for argument before the Supreme Court, General Term, some time next month. There is no expectation of other than an adverse decision here, and, of course, on such decision it will be carried to the Court of Appeals, where it will likewise have a preferment on the calendar.

COMPTROLLER CONNOLLY WANTED.

Light Solicited Upon a Little Note Transaction—Asking a Commission to Ireland to Get Mr. Connolly's Testimony.

Cases are frequently turning up in the courts the trials of which are sought to be put off on the plea of the necessity as material witnesses of some fugitive member of the old "Ring." A motion was made yesterday in Supreme Court, Chambers, before Judge Barrett, by M. M. M. Budlong, to place on the short calendar a case in which Joel E. Fithian, a son-in-law of ex-Comptroller Connolly, is plaintiff, and sues on a promissory note for $5,000, left, as stated, in his hands by Mr. Connolly.

In opposition to the motion Mr. Dudley Field stated that the defendant was employed by Mr. Connolly as counsel and paid by the latter $5,000 as counsel fee; that the note in question was merely given as a memorandum note, and that the understanding was that it never would be presented for collection. To prove this state of facts it was necessary, he urged, to obtain the testimony of Mr. Connolly. It had been ascertained that Mr. Connolly was in Ireland, but exactly where was not known. He desired a commission to procure his testimony before entering on the trial.

After some further discussion it was finally arranged to extend the time for putting in further affidavits till Monday next.

BUSINESS IN THE OTHER COURTS.

COURT OF OYER AND TERMINER.

Another Highway Assailant Sent to State Prison.

Before Judge Brady.

Jeremiah Maguire, one of the youthful assailants of Mr. Finch, during which the latter was knocked down and stabbed five times, in the street, late at night, while on his way home, was yesterday arraigned for trial. Mr. William F. Kintzing, his counsel, in view of the conviction on the day previous of William Adams, jointly indicted with him, induced him to put in a plea of guilty and throw himself on the mercy of the Court. Following this plea Judge Brady commented on the aggravated nature of his offence. He was sorry to have to send a young man to the State Prison, but he felt that he owed a duty to the public. Every man has a right to walk the streets unmolested at any hour of the day and night, and any hindrance of that right was an offence of the grossest character and deserving of the severest punishment. In consideration, however, of his plea of guilty, and saving the trouble of his trial, he would make his punishment one year less than that of his confederate in crime. The extreme penalty was ten years in the State Prison, and not twenty years, as erroneously reported. He sentenced Adams for only eight years on account of the recommendation to mercy made by the jury, but, as already stated, would make his term of imprisonment one year less. The sentence of the Court was that he be confined at hard labor in State Prison for seven years.

There being no other cases ready the Court here adjourned till half-past ten o'clock this morning.

SUPREME COURT—SPECIAL TERM.

The Old Rock Island Pool in Court Again.

Before Judge Van Brunt.

The particulars of the suit brought by William M. Earle and Lindall W. Saltonstall against George S. Scott, William E. Strong, George Wood, Frank R. Sturgis and Frank Work, involving a claim of some $300,000, growing out of the so-called "Rock Island Pool," came up for argument in this Court yesterday on demurrer. The case was very elaborately argued by Messrs. H. S. Bennett and F. F. Marbury for the defendants, they claiming that, even assuming the complaint to be true, the defendants were not liable, and also insisting that the action could not be maintained, because the complaint alleged that there were two combinations, but blended two causes of action and demanded judgment equally against all the defendants. Mr. William H. Anthon refuted these arguments in a lengthy response, and citing numerous authorities to show, as he claimed, that the demurrer was not sustained. Judge Van Brunt took the papers, reserving his decision.

SUPREME COURT—CHAMBERS.

Decisions.

By Judge Lawrence.

Martine vs. Lowenstein, &c.; National State Bank vs. Barr, Howarth vs. Webb, Atlantic Savings Bank vs. Hetterich, Thompson vs. Sickles.—Memorandums.

Spofard vs. McPhail.—Motion denied, with $10 costs.

Morris vs. Barrett, Grocers' Bank vs. Fitch.—Motions granted.

Potter vs. Coulter.—Motion denied.

Friedman vs. Berge.—Judgment for plaintiff.

Gilbert vs. Coburn.—Default opened, &c.

Rusch vs. Lalor.—Granted.

COURT OF COMMON PLEAS—TRIAL TERM—PART 2.

The Housekeeper of the St. George's Cricket Club Bowled Out.

Before Judge Larremore.

During two years Cecilia Kennedy occupied and took charge of the club house of the St. George's Cricket Club, on the Bergen Heights Pleasure Grounds. She claims that she was to have been paid $6 a week for her services and coal furnished her. Mr. Higgins, the President, did not understand the matter in any such way, but asserts that, on the contrary, she begged for the place and offered to take care of the house for the privilege of occupying it free of rent. The little misunderstanding has resulted in a suit brought by Mrs. Kennedy for pay for two years services at the rate mentioned and $70 additional said to have been expended for coal. The case came on for trial yesterday in this Court, and resulted in a verdict for the defendant.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Robinson.

Ording vs. Geo. Kerr.—Motion denied, without costs.

Anner vs. Keyes.—Motion granted, with $10 costs. (See memorandum.)

MARINE COURT—PART 1.

A Stock Speculation.

Before Judge Shea.

Margaret Irving vs. John D. Wilson.—Plaintiff alleges that the defendant, who is her brother-in-law, induced her to invest $500 in stock of the Amber Oil Company, representing that the company was perfectly solvent and was paying large dividends, and assuring her that, as he was Secretary and Treasurer and his brother was Vice President, they would look after her interests, and at all events see that she lost none of the principal. She received two dividends, and soon after the last one was paid the defendant told her that the wells had stopped flowing and all was lost, and that the last dividend was paid out of the principal. Plaintiff brings this action to recover the $500, with interest, claiming that she was induced to part with her money by false representations. Defendant claims that at the time the plaintiff purchased the stock the company was perfectly solvent and had a balance of over $4,000 in the treasury, but that soon after the wells stopped flowing and nothing had since been done by the company. The Court charged the jury that if they found that the defendants' statement in regard to the solvency of the company was given merely as an opinion, even though it led to the injury of the plaintiff, he was not responsible, but if they found that the defendant wilfully practiced deceit upon the plaintiff he was liable, and that persons who assume offices of trust, especially in relation to corporations, should be held to a strict personal accountability. The jury rendered a verdict for the defendant.

MARINE COURT—PART 2.

Action to Recover Upon a Fire Insurance Policy.

Before Judge Alker.

Jacob Goldman, a Russian Pole, of about nineteen months residence in this country, brought suit against the Fireman's Fund Insurance Company to recover $600 upon a policy of insurance held by him to that amount, upon his household effects, wearing apparel, furniture, &c. The plaintiff, a very intelligent and the chief witness in his own behalf, had been for years a resident of the city of Warsaw, famous as the scene of Kosciusko's last struggle for the freedom of his country,

> When leagued oppression poured to northern wars
> Her whiskered pandours and her fierce hussars.

as a business man dealing in the wines of the country. Having aspirations to breathe the air of freedom in a strange land denied him at home he came to this country, having on his way, in the city of Berlin, exchanged his Russian roubles for Prussian thalers, with which latter coin he purchased a full outfit of wearing apparel for himself, wife and three children, together with several feather beds and the appliances thereunto belonging, the whole intended to last the family for some years, the whole valued at $1,000, but only insured for $600, the amount involved in the suit. By the advice of a "compatriot" he took out a policy of insurance soon after his arrival in this city upon these valuable family household belongings with the aforesaid company. On the 26th of February, 1873, he was living in Birmingham street (No. 5), renting two rooms on the premises. About five o'clock in the evening of that day he left home for the purpose of collecting money due him in his business as a wholesale dealer (in a very small way) in wines and liquors, and on his return, between eight and nine o'clock, he found two policemen and several firemen in possession of the premises, and ascertained that a fire which had broken out in a contiguous room to his had communicated and had burned up the greater portion of his household goods. In due time he presented his proof of loss to the company, who refused to settle on the ground that the value affixed to the inventory of his goods was excessive, that there were fraudulent representations made with regard to such values, and that the fire, so far as its effect upon the plaintiff's goods was concerned, was caused by the act of the plaintiff himself.

For the defence the foremen and captains of two fire companies who extinguished the fire, an insurance agent and an insurance adjuster were examined, whose testimony went to show that the fire communicated with plaintiff's room through a hole in the wall, purposely contrived for that purpose; that the remains of the charred and burned articles in the room presented no signs of the destruction of valuable goods such as feather beds, silk dresses and linen clothes enumerated in plaintiff's bill of loss. Judge Alker at a late hour submitted the case to the jury, who, after a short absence, returned with a verdict for the plaintiff for $456 and costs.

MARINE COURT—CHAMBERS.

Decisions.

By Judge McAdam.

Stark vs. Hoyt.—See memorandum with Clerk.

Gilbert vs. Dupuis.—Judgment for plaintiff, with costs.

Phelan vs. Drake.—Motion for judgment denied, with $10 costs to defendant to abide event.

By Judge Gross.

Beardsley vs. Loaners' Bank.—Motion for leave to serve amended answer granted on payment of costs to date and costs of motion, defendants to stipulate to try cause this term.

Holmer vs. New York and Baltimore Transportation Line Company.—Motion for new trial granted.

Raltistein vs. Werbein.—Upon affidavits and referee's report motion to vacate order of arrest granted.

Wendarf vs. Remington.—Motion denied.

Lewis vs. Simon.—Motion to advance cause on calendar denied, without costs.

By Judge Joachimsen.

Jones vs. Hyman.—Motion to vacate attachment denied, with costs.

Nisson vs. Fagan.—Motion denied.

COURT OF GENERAL SESSIONS.

The Tompkins Square Riot—Disagreement of the Jury.

Before Recorder Hackett.

At the opening of the Court yesterday, Mr. Mott, counsel for Christian Mayer, who was on trial for assaulting, as alleged, Sergeant Berghold with a hammer, at Tompkins square, on the 13th of January, presented a number of requests to charge, most of which the Recorder declined to accede to, but did instruct them, as counsel asked, that the

DEFENDANT HAD A LEGAL RIGHT

to be at Tompkins square on the 13th of January. The Recorder informed the jury that they could render either one of four verdicts, according as they believed the testimony would sustain—viz., an assault with intent to kill, an assault with intent to do bodily harm, a simple assault and battery, or a verdict of "not guilty." In the course of his remarks His Honor said that policemen were just as amenable to the law as other people, and, while citizens had the right to be upon the street, yet there were certain police regulations, which were made for the enforcement of order, that good citizens ought to obey. He, however, left the jury to determine from the evidence whether the prisoner was guilty or not guilty.

At a late hour in the afternoon the jury entered the court room, and, upon the foreman stating that it was impossible for them to agree, the Court discharged them from the further consideration of the case.

It is understood that there were ten for conviction of assault and battery and two for acquittal.

A Notorious Burglar Gets Twenty Years—"Entitled to No Mercy."

William Cresswell, alias Bill Connor, was tried and convicted of burglary in the first degree. The proof of guilt adduced by the prosecution was brief, but very convincing, and, as will be seen, the circumstances attending the transaction were very aggravating. Francis De Grushe, residing at No. 276 Stanton street, testified that between six and seven o'clock in the evening of the 30th of January he saw the prisoner running from his front door; that he pursued him and was joined in the chase by Officer Dalton, who arrested the prisoner. Mr. De Grushe, upon returning to his house, discovered that the parlor door had been forced open, but no property was taken. Officer Dalton swore that he followed the prisoner through Columbia street, and when he caught Cresswell he struck him (the officer) twice on the head with a revolver. The blows stunned the officer, which enabled the prisoner to escape. Dalton pursued him, however, and when he was about fifteen yards from the officer he turned around deliberately and fired two shots out of a six-barrelled loaded revolver. The burglar was finally captured, and, when searched, skeleton keys and a small "jimmy" were found upon him. There was an indictment against him for the felonious assault upon the officer. After the jury had rendered a verdict of guilty Mr. Rollins informed the Court that the prisoner, under the name of Wm. Conners, pleaded guilty to burglary in the third degree in May, 1869, and was sent to the State Prison for five years. The Recorder said, in passing sentence, that such a notorious criminal was entitled to no mercy, and directed him to be imprisoned in the State Prison for twenty years at hard labor.

Larcenies and Burglaries.

Daniel Clark, who was indicted for stealing, on the 26th of January, $125 worth of property, owned by Charles Miller, pleaded guilty to an attempt at grand larceny.

James Manning pleaded guilty to an attempt at burglary in the third degree, the charge against him being that he burglariously entered the premises of James Watson, No. 21 Crosby street, on the 21st of January, and stole three brass water cocks, worth $15. These prisoners were each sent to the State Prison for two years and six months.

William H. Creighton pleaded guilty to petty larceny from the person. On the 28th of January he stole ninety-five cents in fractional currency and some ferry tickets from the person of Edward H. Cole. As he had been convicted of a similar offence about a year ago the Recorder sent him to the Penitentiary for two years.

Louis Hilano pleaded guilty to assault and battery, the charge being that on the 25th of last month he cut Julia Davis in the side with a pair of scissors.

Robert Short and Albert Berry pleaded guilty to petty larceny, the allegation being that on the 27th of last month they stole two horse blankets, the property of Daniel Costello.

These prisoners were each sent to the Penitentiary for six months.

Two False Pretence Cases.

William Kamp was charged with obtaining twenty-nine pounds of beef, worth $5, from David Heilbrun, on the 15th of December, by falsely representing that his employer, Mr. Goldstein sent him for it.

James Young pleaded guilty to a similar allegation, the charge being that he induced Anthony Neary to part with $2 by stating that certain boxes which he drew from a bag contained money.

These prisoners were each sent to the Penitentiary for three months.

Youthful Criminals Sent to the House of Refuge.

James Campbell and John Whallen (boys) pleaded guilty to breaking into the premises of Isaac Strauss, No. 7 avenue B, on the 20th of January, and stealing $35 worth of jewelry.

Louis Burgard, who was charged with stealing $41 in money, on the 29th of December, from Lizetta Trouber, pleaded guilty to petty larceny.

These boys were sent to the House of Refuge.

Acquittals.

Carl Schutz and William Gargschaft were tried upon an indictment charging them with perjury in the third degree. The proof was that on the 8th of December they attempted to utter two twenty-five thaler notes at the office of Isaac Scweizer, No. 122 Greenwich street, which proved to be counterfeit. Gurgschaft testified that he kept a lager beer saloon in Hoboken, and was in the habit of exchanging foreign money into American currency for emigrants who arrived at Hoboken. Good character was proven, and the jury rendered a verdict of not guilty without leaving their seats.

Frederick Koerner was tried and acquitted of a charge of an attempt at burglary. Officer Van Ranst swore that at three o'clock in the morning of the 4th of last month he caught the prisoner in the act of breaking the window of Benjamin Oppenheim & Co.'s store, No. 291 Grand street. The accused satisfied the jury who acquitted him, that he was only "fooling" with Julius Erdosey and broke the window accidentally.

Christian King, a boy, was found not guilty of a charge of burglariously entering the butcher shop of Christian Wolf, No. 70 Spring street, the only evidence against the youth being the possession of a fifty-cent counterfeit stamp, which the complainant claimed to identify.

Acquitted, but Held.

Alfred Jacques was tried upon an indictment for burglary in the third degree and receiving stolen goods. The proof to sustain the charge was that on the 3d of January the premises of Moser & Stevens, No. 84 Franklin street, were entered and sixty-nine shawls, worth $300, stolen; that an officer on the 14th went to the apartments 419 East Sixteenth street, occupied by the prisoner, and found three of the shawls, besides a large number of theatrical dresses, druggists' scales, and burglarious implements. The accused admitted that the property was there, but said that his son, who pleaded guilty to the crime, brought them there, and he requested him to take the articles away. The accused showed, by his employers, that he was a tailor and worked steadily. The jury rendered a verdict of not guilty. Mr. Rollins had Jacques remanded upon another indictment.

ESSEX MARKET POLICE COURT.

Attempted Suicide from Starvation.

Before Justice Otterbourg.

A sad case, illustrating most forcibly the misery of penury going on throughout the city, was brought before the Court yesterday. Charles Lange, whose residence was given on the returns as No. 23 Forsyth street, was brought up for being drunk. Officer Draffin, who arrested him, said he found him in the street, apparently drunk. The prisoner, who is of decent appearance, when asked what he had to say, replied, "Nothing," in a vacant manner. Seeing a young and modest looking woman crying bitterly at the rear of the prisoner, the Judge asked her if she was related to the accused. She replied that she was his wife, and told the Judge that they were married ten months ago and that her husband, who never drinks, had been out of work for the past three months. He went out yesterday morning early, in search of a job, after bidding her goodby. She said she believed her husband was not drunk, but had taken poison. He then confessed that, becoming discouraged at the prospect of starvation staring him in the face, he got some laudanum and drank it. He was suffering from the effects of it when he was arrested. Justice Otterbourg became interested in the couple and handed a $5 bill to the woman and gave good advice to the man. He also procured some assistance from the Fourteenth Assembly District Relief Association and gave it to them. The Judge also intends speaking to some friends with a view of procuring a situation of some kind for Lange, who is well educated.

To the Land of the West.

Louisa Donenheimer and her father and mother, whose troubles have been already published in the HERALD, were yesterday despatched to Delaware, Ohio, by Mr. Schultz, of the Children's Aid Society. The little girl, it will be remembered, was arrested for stealing to keep her father and mother from starvation. Several gentlemen of position read the case as published in the HERALD, and, after fully satisfying themselves that it was one of extreme misery, made liberal donations, one of them even signing the bail bond of the child for $500. Mr. Kenyon, the Clerk of the Essex Market Court, supplied the family with clothing and other necessaries for their home in the West.

Attempted Murder.

Albert Lutzer was put under $1,000 bail for firing a pistol at Joseph Retting, of No. 73 Goerck street. They had a quarrel over some beer, and the dispute was renewed on the street. The ball did not take effect on Ritting. Lutzer was arrested by Officer Reid.

A Stable Burglar Caught.

William H. Poole was held in $1,000 bail on a charge of breaking open the stable of Edward Reid, at No. 42 Ridge street, and stealing a horse blanket, worth $40.

The blanket was found in the premises of the accused.

YORKVILLE POLICE COURT.

Before Justice Murray.

A Cow Doctor's Tricks Detected.

Charles Weil, a cow doctor, was held for trial on complaint of Officer Fitzpatrick, of the Nineteenth precinct, who charged him with purchasing a diseased cow for $6, which he intended to have killed and sold for human food. The cow was found hanging up, prepared to be killed, in Eisner's slaughter house, in East Forty-seventh street, when the officer stepped in and arrested Weil.

Bad Boys Held for Trial.

Charles Terhune, a vicious youth, about thirteen years of age, was committed for trial for attempting to rob the till of a baker named Jacob Webber, No. 331 East Fifty-fourth street, and also for drawing a knife and threatening to cut out Webber's heart.

Daniel Reagan and William McGovern, two boys, who were charged with an attempt to steal a pair of shoes, were held for trial.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part 2—Held by Judge Lawrence.—Nos. 1152, 2964, 1226, 1620, 1736, 1472, 1678, 1680, 1682, 1684, 1688, 1690, 1692, 1694, 1696, 1698, 1700, 1702, 1704, 1712. Part 3—Held by Judge Van Vorst.—Nos. 715, 505, 1257, 445, 1235, 473, 316, 1495, 1496, 1497, 2963, 853, 1337, 669½, 75, 1059, 577, 1118, 1225, 285.

SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—Demurrers.—Nos. 25, 52½. Issues of Law and Fact.—Nos. 136, 141, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194½, 195, 182, 183, 184, 196, 197, 198, 199, 200, 201, 202.

SUPREME COURT—CHAMBERS—Held by Judge Barrett.—Nos. 29, 54, 55, 61, 83, 90½, 91, 93, 98, 99, 100, 102, 104, 112, 120, 124, 125, 146, 154, 154½, 155. Call, 176.

SUPERIOR COURT—TRIAL TERM—Part 1.—Will not be held until Monday, February 9. Part 2—Held by Judge Curtis.—Nos. 676½, 280, 80, 726, 740, 744, 788, 204, 216, 780, 608, 622, 28, 688, 706, 1235, 812, 814, 816, 806, 472, 730, 148, 796.

COURT OF COMMON PLEAS—EQUITY TERM—Held by Judge Loew.—Nos. 12, 16, 27, 30.

COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Larremore.—Nos. 2339, 2623, 2420, 2231, 2726, 1328, 634, 1528, 3374, 1748, 1369, 2348, 2273, 2409, 2423. Part 2—Held by Judge J. F. Daly.—Nos. 136, 2519, 1566, 2593, 2595, 2596, 3920, 2524, 2576, 2598, 2599, 2600, 2601, 2604, 2605.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Shea.—Nos. 3695, 3622, 3623, 3116, 3180, 3653, 2552, 3238, 3906, 4261, 2338½, 2666, 3224, 3234, 3246. Part 2—Held by Judge Alker.—Nos. 4027, 3129, 4153, 4165, 1437, 2691, 3109, 3175, 3587, 3833, 4390, 2031, 3009, 3021, 3023. Part 3—Held by Judge McAdam.—Nos. 2815, 3163, 3299, 3149, 3448, 3449, 3476, 3686, 3779, 3948, 4057, 4058, 4151, 4133, 4107, 4198, 4212, 4219.

COURT OF GENERAL SESSIONS—Held by Recorder Hackett.—The People vs. Morris Higgins, rape; Same vs. Thomas McCowan, robbery; Same vs. James McTonegal, felonious assault and battery; Same vs. William J. Dawson, felonious assault and battery; Same vs. George Langworth, felonious assault and battery; Same vs. Joseph Isaacs, felonious assault and battery; Same vs. Joseph Gleason, burglary; Same vs. William H. Johnson and John H. Williamson, burglary; Same vs. Henry Johnson, grand larceny; Same vs. George H. Johnson and Peter McLoughlin, grand larceny; Same vs. Thomas Smith, grand larceny; Same vs. John Maher and Henry Dean, grand larceny; Same vs. Vincent Burgess, grand larceny; Same vs. Alice Keegan, grand larceny.

COURT OF OYER AND TERMINER—Held by Judge Brady.—The People vs. John E. Simmons, homicide; Same vs. Mary H. Shurtliff and James C. Kelly, grand larceny, second offence; Same vs. Raphael M. Seidis, larceny and receiving stolen goods; Same vs. Charles Amnon and Morris Rosenthal, forgery.

BROOKLYN COURTS.

UNITED STATES CIRCUIT COURT.

Alleged Conspiracy to Defraud the Government—The Case of Sanborn, Hawley and Vanderwerken—The Defendants Plead Not Guilty and Are Admitted to Bail Again—The Proceedings Yesterday.

Before Judge Benedict.

The case of John D. Sanborn, Supervisor of Internal Revenue, Lucien Hawley, and Deputy Collector Alfred Vanderwerken, who were indicted on the charge of having conspired to defraud the government in connection with the legacy and succession taxes and other matters, was before the Court yesterday on a motion of District Attorney Tenney for the arraignment of the defendants. The court room was crowded by lawyers, revenue officials and others who took an interest in the case and were anxious to witness the proceedings. District Attorney Tenney and his assistant, Mr. Hughes, appeared for the government, and Benjamin F. Tracy and John I. Davenport for the accused. Sanborn and Vanderwerken were present before the Court opened. Hawley did not appear.

THE PROCEEDINGS.

Shortly after twelve o'clock Judge Benedict took his seat on the bench, the District Court was opened and the Judge was about to call the Admiralty calendar when Mr. Hughes intimated that the government had some business for the Circuit.

Judge Benedict said that he had an Admiralty calendar of 140 cases, and that it would be impossible for him to devote any time during the present month to business in the Circuit. The whole of this month would be devoted to admiralty business. He would now call the Admiralty calendar, and gentlemen might set down causes as they agreed. Then, turning to Mr. Tenney, he asked if there was any motion in the Circuit the District Attorney desired to make?

Mr. Tenney—Yes, sir. The arrangement at the last Circuit was that these defendants, Vanderwerken, Sanborn and Hawley, were to come in to-day and plead.

Judge Benedict thereupon directed the crier to open the Circuit Court, which the crier accordingly did.

Mr. Tenney—Now, I move the arraignment of Alfred Vanderwerken, Lucien Hawley and John D. Sanborn on two indictments, to plead to the same.

Mr. Tracy—They are present. What indictments do you present?

Mr. Tenney—They are

FOR CONSPIRACY TO DEFRAUD THE GOVERNMENT

out of large sums of money.

Mr. Tracy—Let us see them.

Mr. Tenney—The Clerk has them.

Judge Benedict—Are you ready to plead?

Mr. Tracy—I suppose the last indictment is for the same offence, only in different forms.

Mr. Tenney—Yes, the same subject matter.

Mr. Tracy—I suppose the District Attorney must quash the first before he asks us to plead to the second.

Mr. Tenney—Not necessarily.

Mr. Tracy—It is a mere matter of form. I suppose he does quash the first.

Mr. Tenney suggested that that was a matter for a motion.

Mr. Tracy—Which indictment do you arraign us on?

Mr. Tenney—On both.

Mr. Tracy—We object to pleading to two indictments at the same time. We supposed that pleading to the second quashes the first.

Judge Benedict—Better move arraignment on the second one.

Mr. Tenney—Then I move their arraignment on the second.

Judge Benedict (to defence)—Do you plead not guilty?

Mr. Tracy—We

PLEAD NOT GUILTY

for the three defendants.

Mr. Tenney—Is Mr. Sanborn in Court?

Mr. Tracy—He is. What will be the amount of bail?

Mr. Tenney—I shall ask for Sanborn $25,000; for Vanderwerken $25,000 and for Hawley $10,000.

Mr. Tracy—I think that is extravagant bail. We gave $25,000 for Mr. Hawley and the other defendant, but Mr. Sanborn was required to give only $4,000 bail.

Mr. Tenney—That was done in Washington and not here.

Mr. Davenport was about to speak when Judge Benedict inquired for whom he appeared. Mr. Davenport replied, for Mr. Sanborn only. Mr. Tracy, said he, himself appeared for the three defendants jointly.

Judge Benedict said he would hear but one counsel.

Mr. Davenport then addressed the Court, saying that the Bench warrant and indictment against Mr. Sanborn were sent to Washington and Mr. Sanborn surrendered himself. He was taken before Justice Carter, who fixed bail at $4,000 for his appearance that morning. He was present now. Counsel thought that

TWENTY-FIVE THOUSAND DOLLARS BAIL WAS TOO LARGE.

Mr. Sanborn would have some difficulty in procuring it as he was a stranger in Brooklyn, not having been here half a dozen times in his life. If he were in New York or Boston, it would not be near as difficult as here.

Mr. Tracy—The fact that $4,000 bail has been sufficient to produce him here, is evidence that $25,000 bail is not required. Mr. Hawley is also a stranger in Brooklyn.

Judge Benedict—Mr. Hawley found no difficulty when he gave bail before.

Mr. Tracy—There is objection to giving extravagant bail in a minor offence.

Mr. Davenport—The amount which the government is claimed to have been defrauded out of is only $4,000.

Judge Benedict—Of course, if it is impossible for these gentlemen to give bail in such an amount, I should not have any great difficulty in reducing the bail; but if there is no difficulty, as there was not in Mr. Hawley's case, I do not see any reason why they should not give the bail. (After a slight pause) I will make the bail $15,000. I think that is enough.

Mr. Tracy—They could give $50,000

RATHER THAN GO TO JAIL;

but the fact of $4,000 being sufficient to produce Mr. Sanborn here is evidence that no $25,000 is necessary.

Judge Benedict repeated that he would fix the bail at $15,000. That was sufficient, he thought.

Mr. Tenney—Is Mr. Hawley in Court?

Mr. Tracy—If he is not he will be here in a few moments.

Mr. Tenney—I dislike to take *ex parte* statements that they cannot furnish bail.

Judge Benedict—I think $15,000 will be sufficient. I should have reduced it to that if they found any

DIFFICULTY IN FURNISHING BAIL.

I think in a charge of this kind that $15,000 is sufficient.

Mr. Tracy—Now, I have another motion, that the District Attorney be required to file a bill of particulars in this indictment.

Judge Benedict (to Mr. Tenney)—Are you ready to consent to that?

Mr. Tenney—No, sir.

Judge Benedict (to Mr. Tracy)—You had better make the motion when I have no calendar. I will hear no motion where there is opposition in the Circuit.

It was agreed between counsel that they should appear before Judge Benedict in Chambers on Saturday morning and then and there submit their arguments on the motion.

The Circuit Court was then declared adjourned.

Messrs. E. S. Sanford, Vice President of Adams Express and Western Union Telegraph companies, and Franklin Woodruff, chairman of the Committee of One Hundred, became Sanborn's bondsmen. The other defendants retained the bondsmen who justified at the time of the arrests.

District Attorney Tenney will urge a trial at the March Circuit.

SUPREME COURT—CHAMBERS.

Mrs. Dunbar's Divorce Suit.

Before Judge Pratt.

Mary Dunbar has instituted a suit for divorce from Captain William F. Dunbar on the ground of cruel and inhuman treatment. They were married in 1852, and have had five children, the eldest of whom is a son of nineteen years. The plaintiff charges that her husband frequently got drunk and beat her; that he wasted his earnings in riotous living and neglected to provide for her and her children; that on one occasion he abandoned her for eight months, and that when he did return he was drunk, and threatened to shoot her.

No answer has been made by the defendant. Yesterday morning Judge Pratt, in Chambers, sent the case to a referee to take testimony and report.

CITY COURT—TRIAL TERM.

Perils of Pedestrians—A Contractor Mulcted.

Before Judge McCue.

In November, 1871, Miss Ida Catherine Suydam, an elderly lady, was passing the new bank building at the corner of Broadway and Fifth street, E. D., when she fell over a roller used in moving large stones and had one of her ankles fractured. She was, in consequence, confined to the house for six months, and even now she walks with the aid of a stick.

Yesterday Miss Suydam sued the contractor engaged on the building, William H. Corey, and claimed $25,000 damages. She claimed that the sidewalk in front of the building was so encumbered with building blocks, &c., that there was but a narrow passage for pedestrians, and that in this passage the roller had been carelessly left by the workmen.

The defence was a general denial and an allegation that the accident was the result of plaintiff's own carelessness.

The jury rendered a verdict in favor of plaintiff, and assessed damages at $2,500.

William C. De Witt and G. H. Fisher for plaintiff; D. P. Barnard and R. E. Topping for defendant.

CITY COURT—SPECIAL TERM.

The Zhart Divorce Suit.

Before Judge McCue.

John C. Zhart sued for an absolute divorce from Matilda Zhart, on the ground of adultery, and the case was referred. It did not appear that the couple had been married; but it was established that they lived together as man and wife for a number of years. Finally Matilda, as charged, left John and married another man. Hence the suit.

The referee reported in favor of allowing the divorce applied for. Judge McCue, however, declined to confirm the report, and yesterday decided that "there was no marriage by present words, and that the report of the referee should not be confirmed and the defendant is entitled to have the complaint dismissed."

COUNTY COURT.

A Novel Suit.

Before Judge Moore.

Rev. Father McGuire, who died in 1872, left an estate worth about $75,000 to his nephew, Hugh McGuire. The testator had several other nephews, but did not leave them anything. The fortunate man was naturalized, so that he could inherit.

Yesterday an application was made on behalf of the other nephews to have the naturalization papers set aside, on the ground that they were improperly granted. If this was done Hugh McGuire, of course, would be an alien.

The application was opposed, and counsel for Hugh McGuire submitted these points:—

First—That the petitioners were attempting to set aside a final judgment of the Court, which, according to the ruling of the Court of Appeals, could not be impeached by parties litigant.

Second—That the petitioners could not evade the result of the decisions quoted by changing the form of proceedings, and commencing these by petitions, as such a course was without precedent.

Third—That the Court had no power to revoke its former judgment and decree.

Fourth—That the judgment and decree did not affect the petitioners.

Fifth—That the State having made this law affecting private rights (for the United States law affected no private rights), it was and must be for the State Courts as such and alone to ascertain and determine those rights in actions between parties.

Sixth—That the petitioner had no standing in Court, the United States being the only party that could make such petition.

Seventh—That, though the United States were substituted for the petitioner, that Court could still have no jurisdiction to grant the relief prayed for. That in any view of the case the petitioner must fail on the application.

Decision reserved.

COURT OF APPEALS CALENDAR.

ALBANY, Feb. 4, 1874.

The Court of Appeals day calendar for February 5 is as follows:—Nos. 10, 59, 88, 87, 35, 11, 14, 17.

THE MISSION OF EX-RABBI SCHLAMOVITZ.

Professor Emanuel H. Schlamovitz, having found from his interviews with the Jews of this city that many are deeply interested in the question of the Messiah, is encouraged to commence a course of lectures on the "Evidences of Christianity." Through the kindness of the Rev. Father Larkin, pastor of the Church of the Holy Innocents, he is enabled to give these lectures in the boys' school room of that church, corner of Thirty-seventh street and Broadway (entrance from the girls' schoolroom). The first lecture will be delivered in the German language in this room on Saturday, February 7, at three P. M. Subject—"The Atonement of the Messiah." The Professor will also be in attendance at said room for interviews and instructions daily, at half-past three P. M., Sundays and Mondays excepted. He states that in undertaking this work he has no other motive than love for his own nation, and no other object than the good of his hearers, and he earnestly invites all true Israelites to attend.

SLUSH IN THE STREETS.

New York yesterday again showed her municipal incompetency to care for the streets so as to make them commodious thoroughfares. A rising temperature found the streets covered with snow that should have been removed promptly as it fell. This the sunshine turned into slush, of varying depth and degrees of filthiness; none of it pleasant to encounter. Nature gradually carried a portion of it into the sewers, but the bulk, stiffened by last night's frost, still remains, to make New York streets for the next month a horror and a reproach.

MISERY AND POVERTY.

How Some of the Wretchedly Poor Exist in New York.

WITHOUT FOOD, FIRE, HOME OR HOPE.

Thrilling Details of Terrible Suffering in the Fourth and Sixth Wards.

Facts are more eloquent than any eloquence, and consequently the following facts in reference to the condition of the poor and wretched in the city of New York, at and during the period of the present snow storm, which has given to rich and happy New York its best opportunity yet for skating and sleighing, will be more suggestive in their terrible details than any sermon. These facts were obtained by a representative of the HERALD from personal observation and from the statements of experienced police captains and ward detectives, who are of all men in the city the most practically cognizant of the misery, as well as the crime, within it.

WHERE THE BOARD OF HEALTH HAS MADE A MISTAKE.

In the first place it is claimed and earnestly insisted upon by the police authorities that the raid made by the Board of Health upon the down-town lodging cellars, though well intended, was a practical mistake, so far as any benefit to the poor is concerned. The police hold that the poor are more wretched than before this closing up of their "basement homes," while they are not a whit more clean or more moral. Since the cellars have been shut up the scum of the town have sought refuge in the attics of old rookeries, the top stories of tenement houses, where they are just as vile and as filthy, only more cold and even wet than before; for most of these attics have broken windows, through which the wind howls terribly, and they have leaky roofs, through which the snow and the hail and the rain penetrate fearfully. Men and women are huddled together just as closely as they were in the cellars, and they pay the same ten or fifteen cents a night, so that in reality, while a change has been made, no improvement has been gained. Dan Casey, who kept the miserable lodging cellar in 356 Water street, where he sold straw beds to human creatures for fifteen cents a night, now sells to the same persons the same straw for the same tariff in the top floor of a den in Baxter street.

"Old Mother Hurley," who used to keep the far famed infamous "Black Hole of Cherry street," having been driven from this locality by the Board of Health, has transferred her business and her boarders and keeps an equally foul establishment at No. 349 Water street; and any number of similar instances could be cited, showing that the "closing up" movement of the Board of Health has resulted merely in a change of localities, but not in any improvement in the condition of the poor.

And what the condition of the wretched poor in the city of New York really is let the following additional facts show:—

MAC THE DUTCHMAN'S—FIGHTING FOR PLACES ROUND THE ONLY STOVE.

At No. 394 Water street is a huge lodging house kept by a man called, in the parlance of the neighborhood, "Mac the Dutchman." The house is, literally, a big barn—cheerless outside, utterly destitute of furniture, carpets or beds within. Some thirty or forty men, women and children "bunk" on the straw in this barn nightly, and pass the greater portion of their existence in fighting with each other for places around the only stove in the building, a broken down affair, on the first floor, whose heating properties, imperfect as they are, are so highly prized that fist encounters innumerable have taken place for a chance at their temporary enjoyment by wretched "lodgers" in this "den." The saddest yet most natural feature in the case is that, being the weakest of course, the children are compelled to go to the wall, and thus the poor little ones, who really need the fire the most, are compelled to cry and shiver in the corners, while the men and women curse and quarrel nearer the wished-for stove. This nightly fight for a seat near the fire at Mac the Dutchman's is really a curious though a contemptible picture of human life and human misery. In this "establishment" there are at the present moment five or six women who have no bonnets; a number of children who are compelled to beg in the snow barefoot. Two or three of the "families" have lived for some time past wholly on garbage and the refuse they have picked up in the streets, while last week a woman who had not been six days a mother was forced to arise, take her baby in her arms and beg barefoot in the streets.

"NO SHOES—NO COAT—NO FIRE—NO FOOD!"

No. 19 Cherry street is a wretched tenement, near an alley. It is full of poor families in the front, and fuller of very, very poor families in the rear. There are six or seven families in the front and twelve families in the rear—fifty-two people, it is estimated, in all. The families in the front live from hand to mouth. The families in the rear seldom get anything in their hands to put into their mouths. One man, the father of several children, described his condition and that of his family very simply and very forcibly in eight words—"No shoes, no coat, no fire, no food!" The family possess an old broken-down stove, which they bought when they were "flush" for $1, and for a while they managed to pick up by hook or by crook enough wood and coal to keep in it a scant fire, but there have been so many hundreds of people lately "picking up" coal and wood, and the children were so tender-footed, being barefoot, that this resource ultimately failed them. As for food, they have not "eaten a square meal," as the father phrased it, this year.

ONLY A BOWL OF COFFEE IN TWO DAYS.

In No. 344 Water street, on the top floor, in a dark, bleak room, whose furniture consisted of a broken chair and a bundle of rags and straw, called a "shakedown," answering the purpose of a bed, in a corner, Officer Musgrave, of the Fourth precinct police, found a woman lying on the floor in the utter exhaustion of the last stages of hunger. The windows were most of them broken, the roof leaked badly, and the poor creature was shivering, as well as burning and fainting. When found by the officer the woman was too weak to speak a word, and she was taken at once to the Park Hospital. It was afterwards ascertained that for two days prior to having been found by the policeman she had tasted no other nourishment than one bowl of coffee, which had been kindly sent up to her by a poor woman down stairs, who had nothing else to give her, and who had finally gone to the police station herself and informed the officer of the woman's condition.

In this particular case the poor woman recovered; but it sometimes happens that the victims of hunger are not so fortunate.

STARVED TO DEATH.

In the basement of No. 56 New Chambers street, on the last and lowest step of the closed basement, which had once been a lodging house, a poor wretch, without friends, without home, without money, was found last week freezing and starving to death. He was taken by the police officers to the station house, and was from thence borne on the ambulance to the Park Hospital; but he died the next day—"Died of want of food," said the doctor.

And ever and anon there are poor wretched vagrants who find it but a step

FROM THE STATION HOUSE TO THE HOSPITAL,

just as they find it but another step from the hospital to a pauper's grave. On three separate occasions this winter the ambulance connected with the Park Hospital (in the City Hall Park, formerly used as an engine house, then as a hospital for sunstruck patients, now as a temporary hospital), has been telegraphed to come at once to the police station of the Fourth precinct, to bear from the station house to the hospital some poor devil of a vagrant—some station house lodger who has been seized with some mortal sickness amid the rest of the dirty, greasy, wretched bummers, a mortal sickness arising from sheer want of the commonest necessaries of humanity. And in each of the three cases referred to the victim of starvation has died, though these deaths are seldom recorded in the papers. It is calculated by a police captain cognizant of the general facts of the subject in question that from fifty to sixty deaths have already occurred this winter from sheer starvation.

MISCELLANEOUS MISERY.

A hatter in the Tenth ward, a very respectable man, told the writer that he and his wife had averaged only five or six meals a week for the last two months; "and even these meals we would not have called meals in the old time," he said. Stone masons, house carpenters and hod-carriers find this stormy weather specially terrible. A man who keeps a house of ill-repute in Water street shows that, despite his calling, he is not wholly evil, by going around among the dance houses and demireps of his district and collecting subscriptions of twenty-five cents each to keep a worthy house carpenter, out of employment, and his wife, in Rose street, from literally starving.

These facts and many others that could be mentioned did space permit will serve, feebly but truthfully, to illustrate the dark side of that snow storm which to the rich of New York brings but another pleasure.

BROOKLYN CITY FUNDS.

The balance of city funds remaining in the city banks on deposit to the credit of the city of Brooklyn, on the 31st of January, was $2,601,758. The banks have reduced the rate of interest on the general fund deposited with them from three and a half to three per cent. This reduction will prove an annual loss to the city of about $15,000.